

Message Text

CONFIDENTIAL

PAGE 01 MANILA 15157 271146Z

21

ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 RSC-01 FAA-00 SS-15 NSC-05 L-02

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 9441

C O N F I D E N T I A L MANILA 15157

E.O. 11652: GDS

TAGS: EAIR, RP

SUBJECT: CIVAIR - PAN AM ALL-CARGO PERMIT

REF: STATE 281987

1. CONCUR IN DEPARTMENT'S SUGGESTION THAT NOTE TO FOREIGN OFFICE WOULD BE USEFUL AND TIMELY REINFORCEMENT OF OUR MANY REPRESENTATIONS.

2. WE DO, HOWEVER, HAVE SOME PROBLEM WITH TEXT REFTEL WHICH USES GENERIC TERM "ALL-CARGO SERVICE" WHEN IN FACT BASIS FOR OUR REPRESENTATIONS WAS TO RESTORE PAN AM'S PERMIT FOR THREE WEEKLY FLIGHTS CARRYING U.S. MILITARY MAIL AND CARGO PLUS 8,181 KILOS OF COMMERCIAL FREIGHT PER MONTH. IN VIEW OF NEED FOR PRECISION, AND CONSISTENT WITH OUR REPRESENTATIONS AND PAST NEGOTIATING HISTORY, WE HAVE REVISED YOUR TEXT AND REPEAT NEW VERSION IN ENTIRETY FOR READY REFERENCE. IF YOU PERCEIVE NO OBJECTIONS, WE WILL DELIVER NOTE ON FIRST PHILIPPINE WORKING DAY.

A. QUOTE: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF FOREIGN AFFAIRS OF THE REPUBLIC OF THE PHILIPPINES AND HAS THE HONOR TO REFER TO THE NEGOTIATIONS HELD IN MANILA THIS PAST JUNE AND THE DISCUSSIONS THEREAFTER BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS CONCERNING THE INTERIM ARRANGEMENT SIGNED AUGUST 10, 1974, AFFECTING AIR TRANSPORT SERVICES BETWEEN THE UNITED STATES AND

CONFIDENTIAL

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PAGE 02 MANILA 15157 271146Z

THE PHILIPPINES.

B. "AS PART OF INTERIM AGREEMENT, IT WAS AGREED THAT PHILIPPINE AIR LINES WOULD HAVE THE RIGHT TO OPERATE THREE WEEKLY ALL-CARGO SERVICES, UPON APPLICATION TO THE UNITED STATES CIVIL AERONAUTICS. IT WAS THE UNITED STATES UNDERSTANDING AND BELIEF, FULLY COMMUNICATED TO AND ACKNOWLEDGED BY REPRESENTATIVES OF THE GOVERNMENT OF THE PHILIPPINES DURING THE NEGOTIATIONS OF THE INTERIM AGREEMENT, THAT EXISTING ALL-CARGO RIGHTS ENJOYED BY UNITED STATES CARRIERS WOULD NOT BE ALTERED PENDING RESUMPTION OF CIVIL AIR NEGOTIATIONS. THESE VIEWS HAVE BEEN SUBSEQUENTLY CONFIRMED IN MEETINGS BETWEEN OFFICIALS OF OUR TWO GOVERNMENTS. THE UNITED STATES GOVERNMENT HAS DISCUSSED RESUMPTION OF NEGOTIATIONS IN THE NEAR FUTURE WITH THE PHILIPPINE EMBASSY IN WASHINGTON AND WITH THE CHAIRMAN EXECUTIVE DIRECTOR OF THE PHILIPPINE CIVIL AERONAUTICS BOARD IN MANILA.

C. "DESPITE THIS UNDERSTANDING, THE PHILIPPINE CIVIL AERONAUTICS BOARD HAS DEFERRED ACTION ON AN APPLICATION FILED BY PAN AMERICAN WORLD AIRWAYS TO RENEW ITS CARGO PERMIT THAT EXPIRED ON NOVEMBER 15, 1974. AS A RESULT, PAN AMERICAN WORLD AIRWAYS HAS BEEN DEPRIVED OF THE RIGHT TO OPERATE CARGO SERVICES UNDER THIS PERMIT.

D. "THE UNITED STATES GOVERNMENT IS ALSO CONCERNED OVER ALLEGATIONS THAT THE UNITED STATES CARRIER IN QUESTION HAS TRANSPORTED CARGO IN EXCESS OF THAT AUTHORIZED BY THE GOVERNMENT OF THE PHILIPPINES. IT IS IN THE OVERALL INTEREST OF CONTINUED HARMONIOUS CIVIL AVIATION RELATIONS BETWEEN OUR TWO COUNTRIES THAT THE FACTS OF THE SITUATION BE DETERMINED PROMPTLY IN ACCORDANCE WITH THE PHILIPPINE CIVIL AERONAUTICS BOARD AND THAT THE EXISTING RIGHTS OF THE U.S. CARRIER IN QUESTION BE RESPECTED IN THE MEANTIME.

E. "ACCORDINGLY, THE GOVERNMENT OF THE UNITED STATES RESPECTFULLY REQUESTS THAT THE PERMIT OF PAN AMERICAN WORLD AIRWAYS TO OPERATE THREE WEEKLY ALL-CARGO SERVICES THROUGH THE PHILIPPINES BE REINSTATED IN THE INTEREST OF AMICABLE AND ORDERLY DEVELOPMENT OF CIVIL AVIATION UNDER THE EXISTING INTERIM AGREEMENT.

F. "THE EMBASSY AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT THE ASSURANCES OF ITS HIGHEST CONSIDERATION. END QUOTE.

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PAGE 03 MANILA 15157 271146Z

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